

LOUISVILLE METRO COUNCIL COMMITTEE MINUTES

Public Safety Committee
Tuesday, August 19, 2008
4:05 P.M.
Third Floor, City Hall

Present: Chairman: CM Heiner
Members: CW Flood, CW Woolridge, CM Blackwell & CM Peden
Also Present: CM Henderson & CM Stuckel

Chairman Heiner announced the members and non-members of the committee that were present. A quorum was established.

Special Items For Discussion

1- Smoke Alarms in Foreclosure Sales.

CM Glen Stuckel requested the discussion item due to difficulty in compliance with the existing Chapter 94 - Louisville Metro Code of Ordinances. He encouraged discussion regarding the smoke alarm requirements and ideas for better enforcement. Attorneys, Jeff Borders and Jennifer Fields, from Borders & Borders Attorneys; Fire Chiefs Paul Barth & Greg Frederick; John Flood, Codes and Regulations, William O'Brien from Jefferson County Attorney's Office, were in attendance.

The following was discussed:

- 10-yr lithium battery alarms
 - 9-volt batteries vs. 10-year lithium
- To Sell a Property, an affidavit is to be signed to prove up to code including hardwiring
 - Foreclosures
- Possibility of an "Opt-out Clause" - no clause in ordinance for an opt-out clause
- Fire Districts/Departments, as well as, Codes and Regulations, do not have full jurisdiction to perform inspection unless requested by the buyer of property.
- Closing Attorney John Borders - no mechanism to sign to state in compliance
 - Buying 'as is' on foreclosures
 - No requirement for an affidavit to be recorded with the deed
 - Loss of business to other Lender/Closer due to avoidance of affidavit
 - Possibility of Penalties in place
 - Possibility of Public Service Announcement to person(s) buying foreclosures
- Huge risk and liability in not getting an affidavit on smoke detectors during the property sale
- Accountability in place for the instance of an emergency situation on bought properties
- Establishing a range of penalties
- Understanding on hardwiring detector - need battery back up
- Typical dwelling units needs about 1 to 2 detectors to protect if properly
- Driving force behind the enforcement of the ordinance
 - Fatalities report
 - National study on life of regular 9-volt battery detectors
 - Having a progressive way to get newer lithium detectors into homes
- Suggest in conjunction with Jefferson County Clerks Office to put with Deeds statistics
- Working through Jefferson County Attorney's Office to take action
- Possibility to include amending language of responsibility to closers in the Chapter
- Reviewing requirements to be put in place as a better step towards enforcement
- Suggestion to have discussion with Greater Louisville Home Realtors;
- No statistics on home with or without smoke detectors
- Person(s) who want to upgrade but can not afford

- Programs in place
- Some Council Members contributed funds towards fire detectors in low-income residents

CM Heiner stated the committee's next step on the issue is to meet with the Administration and Greater Louisville Association of Home Realtors for continued discussion at a near future meeting, as well as look to improve ordinance, compliance and enforcement.

2- Munitions Storage - Rich Bryar

CM Heiner introduced Rich Bryar (biography attached). He brings general information to the committee in regards to Munitions Storage. The following was discussed:

- Combating terrorism
 - Falling upon governments' responsibility
- Example of stolen ammunition and no inventory of these items at an explosive storage unit in the United States
- Focus on security in making it critical and a priority
- Public vs. private storage - easier to facilitate public storage
- Current specified local storage unit oversized
 - Can store over 2000 lbs or more
- Different Classes of explosives and how to store
 - Nuclear, Chemical and/or Biological
- Risks of explosion - varies as reported
- Current media hype of storage facility
 - Telling good and bad people where this facility is going to be located
- The facility was broken into twice - was not announced
- Have closed hearings or meetings on review of other potential sites
- Understanding what can go wrong with explosives – keeping away from urban areas
 - Enough area to blast upward but there is a repercussion (what goes up must come down)
 - Certain items can not be mixed storage as a regulation
- Louisville Water Company security is an issue - needs to be better
- Department of Defense Directive - can not refuse to help

CM Heiner reiterated the issues to review in future Public Safety Committee meetings:

- Security
- 24 hour monitoring
- Size of storage facilities and its set backs
- Details of what Class of Explosive
- Idea of landscaping berm – Federal Regulations
- Location of second facility

Shockwave analysis by Louisville Water Company

Pending Legislation

3- [R-95-05-08 A RESOLUTION OPPOSING THE LOCATION OF EXPLOSIVE ORDNANCE FACILITIES IN SENSITIVE AREAS OF THE COMMUNITY](#)

Status: In Committee - Held
Committee: Public Safety
Primary Sponsor: Doug Hawkins

This item **REMAINED HELD IN COMMITTEE.**

4-

[O-108-06-08 AN ORDINANCE AMENDING ORDINANCE 126, SERIES 2007 STRIKING AN APPROPRIATION TO THE LOUISVILLE METRO POLICE DEPARTMENT FOR A CAPITAL EXPENDITURE FOR AN AMMUNITION BUNKER; AND DECLARING THE ENACTMENT OF THIS ORDINANCE AN EMERGENCY.](#)

Status: In Committee - Tabled

Committee: Public Safety

Primary Sponsor: Doug Hawkins

This item **REMAINED TABLED IN COMMITTEE.**

5-

[O-41-02-06 AN ORDINANCE CREATING AN ANIMAL WELFARE/CONTROL ADVISORY BOARD. \(Reintroduced 08/29/06; 02/08/07; 08/23/07; 02/28/08\)](#)

Status: In Committee - Tabled

Committee: Public Safety

Primary Sponsor: Kenneth C. Fleming

CM Heiner mentioned the item would die in committee unless re-introduced at the 8/28/08 Council Meeting

THIS ITEM DIED IN COMMITTEE.

Motion to Adjourn made by Madonna Flood and seconded by Mary C. Woolridge

Without objection, the meeting adjourned at 5:21PM

KLP

***NOTE: Items sent to the Consent Calendar or Old Business will be heard before the full Council at the Metro Council Meeting, August 28, 2008.**

[**PUBLIC SAFETY AGENDA - VIEW ONLY**](#)